

United States District Court

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

CASE NUMBER: 2:08mj 003-CSC

FLORENTINA AVILES-ROSALES

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 7, 2007 in Montgomery county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

utter, use, attempt to use, possess, obtain, accept and receive any such visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made,

in violation of Title 18 United States Code, Section(s) 1546(a).

I further state that I am a(n) ICE Officer and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Sworn to before me and subscribed in my presence,

January 23, 2008

Date

at Montgomery, Alabama

City and State

CHARLES S. COODY, U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, David E. Henderson, being duly first sworn, do hereby state and affirm that:

I am a duly sworn Special Agent of the U.S. Immigration and Customs Enforcement (ICE) assigned to the office of the Resident Agent in Charge, Mobile, Alabama. I have been employed as a federal agent for approximately six years. One of my principal assignments has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality along with other violations of federal law.

On January 22, 2008, I was contacted by Montgomery Police Department Sergeant (Sgt.) A. Mercado and advised that he had encountered a Hispanic female, identified as Florentina AVILES-Rosales, while investigating an allegation of identity theft. According to Sgt. Mercado, the Montgomery Police Department had received a letter from an individual stating that the Social Security number assigned to them was being used by an unidentified individual who was allegedly employed at Koch Foods of Alabama, LLC located in Montgomery, Alabama. Sgt. Mercado and Lieutenant (Lt.) J. Bolton then made contact with Koch Foods and spoke with the Hispanic female who originally identified herself as Rosa GAVINA. Upon further questioning, the Hispanic female stated that her true name was Florentina AVILAES-Rosales. AVILES was then transported to the Montgomery Police Department in Montgomery, Alabama for further investigation.

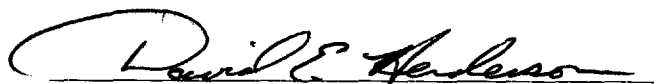
Upon arriving at the Police Department, Sgt. Mercado advised AVILES of her constitutional rights, as per Miranda in the Spanish language. AVILES acknowledged orally and in writing that she understood her rights and proceeded to make a voluntary statement. AVILES freely stated that she was a native and citizen of Mexico who was residing in the United States illegally. AVILES further stated that she had purchased the Resident Alien card and Social Security card in the name of Rosa GAVINA for approximately \$600.00 to \$700.00.

On the same date, I interviewed AVILES at the Montgomery, Alabama ICE office. Prior to interviewing AVILES, I advised her of her constitutional rights, as per Miranda in

the Spanish language. AVILES acknowledged orally and in writing that she understood her rights and proceeded to make a voluntary statement. AVILES stated that she was a native and citizen of Mexico who had last entered the United States illegally around May of 2002 near an unknown location in Arizona. AVILES further stated that she had been working at Koch Foods in Montgomery, Alabama for approximately 6 to 7 months under the name of Rosa GAVINA. AVILES then stated that she had purchased the Permanent Resident card bearing the name of Rosa GAVINA (Alien number [REDACTED] and the Social Security card bearing the name of Rosa Isela GAVINA (Social Security number [REDACTED] from an unknown individual for approximately \$600.00 to \$700.00. AVILES further acknowledged that she was aware that the cards were "bad" and that it was illegal to use them for employment purposes.

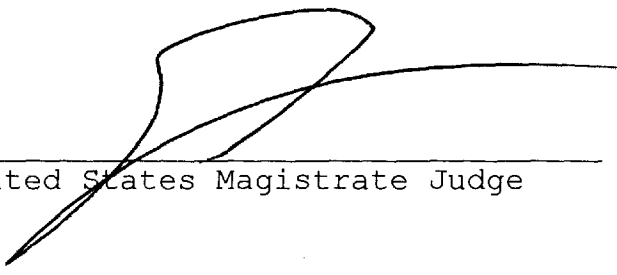
On January 23, 2008, I made contact with Koch Foods of Alabama, LLC and obtained two (2) original Department of Homeland Security form I-9 completed by AVILES in the name of Rosa GAVINA. The first I-9 was completed by AVILES on January 5, 2006 and bore the name of Rosa GAVINA and Resident Alien number A [REDACTED] and Social Security number [REDACTED]. The second I-9 was completed by AVILES on March 8, 2007 and bore the name of Rosa GAVINA and Resident Alien number [REDACTED] and Social Security number [REDACTED]. Checks of the Immigration system revealed that Alien numbers [REDACTED] and [REDACTED] were not assigned to AVILES.

Florentina AVILES-Rosales is in violation of, but not limited to, Title 18 U.S.C. 1546(a), whoever utters, uses, attempts to use, possesses, obtains, accepts or receives any such visa, permit, border crossing card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 15 years, or both.



David E. Henderson, Affiant
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 23rd day of January, 2008.



United States Magistrate Judge